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|  <b>KENTUCKY<br/>CORRECTIONS</b><br>Policies and Procedures  | Policy Number                                | Total Pages     |
|   | 14.4   | 5               |
|   | Date Filed                                   | Effective Date  |
|   | May 14, 2007                                 | August 31, 2007 |
| Authority/References<br>KRS 196.035, 197.020;<br>ACA Standards 4-4274, 4-4275, and 4-4276;<br>CPP 15.2, CPP 15.7;<br><i>Lewis v. Casey</i> , 116 S. Ct. 2174 (1996); <i>Knop v. Johnson</i> , 977 F2d 996 (6th Cir.) (1992) | Subject<br><br><b>LEGAL SERVICES PROGRAM</b> |                 |

## I. DEFINITIONS

"Indigent" see CPP 15.7.

"Legal Aide" means a person who has received training by the Office of Public Advocacy and is certified as a legal aide to assist other inmates at the same institution with legal matters.

## II. POLICY and PROCEDURES

A. It shall be the policy of Corrections to provide an inmate with the opportunity to contact the courts by a variety of methods including, but not limited to:

1. Contact with an attorney (telephone, mail, visit);
2. Contact with an assigned legal aide at the same institution; and
3. Unrestricted and uncensored legal correspondence to and from an attorney and the courts.

B. The institution shall offer inmates facilities that afford confidentiality. This shall include:

1. Access to uncensored legal mail services to and from attorneys and the courts for the conduct of legal matters;
2. Access to an electronic law publication database;
3. Access to a copy machine; and
4. An area for confidential attorney visitation or confidential telephone call.

C. The institution shall provide an inmate reasonable access to the courts to allow presentation of legal issues including the following:

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1. Challenging the legality of their conviction or confinement; and
  2. Seeking redress concerning conditions of confinement;
- D. An institution or employee shall not impose a penalty on any inmate because of the inmate's decision to seek judicial relief so long as the lawsuit does not violate CPP 15.2.
- E. Upon request, an indigent inmate may receive reasonable amounts of legal supplies, postage and copying services as necessary.
- F. An inmate who can demonstrate by court order or court rules a definite deadline shall be allowed to have copies and postage upon signing a cash pay order (CPO) even if their cash accounts are inadequate to pay the expense.
- G. Electronic Law Publication Database

An adequate electronic law publication database shall be maintained at all correctional institutions.

1. At a minimum the institution shall have databases to access the following:
  - a. Kentucky Case Law;
  - b. Kentucky Revised Statutes;
  - c. Kentucky Administrative Regulations;
  - d. Kentucky Rules to include the following:
    - (1) Rules of Civil Procedure;
    - (2) Rules of Criminal Procedure;
    - (3) Rules of Evidence; and
    - (4) Rules of Administrative Procedure.
  - e. Case law, statutes, administrative regulations, and court rules for all 50 states, plus District of Columbia;
  - f. U.S. Supreme Court reports;
  - g. All 13 U.S. Circuit Courts;

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- h. Federal District Court Decision;
- i. U.S. Code;
- j. U.S. Supreme Court Rules;
- k. Federal Court Rules;
- l. Federal Sentencing Guidelines; and
- m. U.S. Constitution;

2. The following materials shall be provided:

- a. Corrections Policies and Procedures (NO SECURITY SECTIONS);
- b. Institutional Policies and Procedures (NO SECURITY SECTIONS); and
- c. Black's Law Dictionary.

3. Equipment for inmate legal aide use shall include:

- a. Typewriters;
- b. Typing paper and supplies; and
- c. A copy machine.

H. Legal Aide Program

A legal aide program shall be operated to service each institution.

- 1. An applicant for an inmate legal aide position shall be required to take an examination to determine his qualifications for admission to a basic legal aide training seminar. The Department of Public Advocacy offers this training annually.
- 2. An applicant for an inmate legal aide position shall be assigned to general population, excluding protective custody and death row, and have at least thirty-six (36) months to his parole eligibility date or expiration of sentence. The latter requirement may be waived if an insufficient number of qualified candidates apply for the vacant legal aide position.

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3. An inmate who receives a passing score on the entrance examination may be allowed to participate in the next scheduled training seminars.
4. An institutional legal aide position shall be filled based upon the following however, no one factor shall be determinative of filling a position:
  - a. scores received during the legal aide training;
  - b. inmate population;
  - c. interviews, if performed;
  - d. past job performance; and
  - e. communication skills.
5. A legal aide may be removed from the position for one or more of the following reasons:
  - a. Failing to adequately represent the needs of an inmate;
  - b. Abusing the legal aide position; or
  - c. Receiving a category IV finding of guilt or three (3) Category I, II or III finding of guilt within a six (6) month period.

A legal aide who is removed from the position for justified reasons shall not be returned to that position for at least six (6) months.
6. An inmate, other than a legal aide, capable of assisting another inmate located at the same institution in the preparation of legal papers or in the prosecution of a lawsuit may do so without fear of disciplinary action.
7. An inmate who has completed the legal aide training seminar may be required to serve as a legal aide if there are not enough qualified applicants to fill existing vacancies.
8. An inmate who seeks to be trained as a legal aide shall have a General Equivalency Diploma (GED) or high school diploma.

#### I. Legal Aide Duties

1. An inmate legal aide may only assist inmates confined at the same institution.

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2. A legal aide shall be required to store all materials, pleadings, and the like in the legal aide office except their personal files and except those inmates being helped who wish to keep their own files.
4. A log shall be maintained to show what cases a legal aide is assigned.
5. If transferred, a legal aide may not take the files of any inmate he has been assisting.
6. If an inmate who is receiving assistance is transferred, it shall be his responsibility to obtain his file from the legal aide or other inmate. If this is not feasible, he shall contact the institution to forward his legal material.
7. An inmate assisting other inmates shall register in the legal aide office along with the name of the inmate being assisted, a brief description of the legal matter, and the style and number of the lawsuit.